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American Samoa

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I. Background information

1. American Samoa[1] is located in the South Pacific approximately 3,700 kilometres south-west of Hawaii and 4,350 kilometres north-east of Australia. It consists of seven islands (Tutuila, Aunuu, Ofu, Olosega, Tau, Swains and Rose) and several lesser islands belonging to the Samoan group. The total land area is 197 square kilometres, about 70 per cent of which is covered by dense forest. Tutuila, where Pago Pago, the capital, is located, is the largest island; it constitutes 70 per cent of the total land area and is home to 90 per cent of the population.

2. It is generally believed that the Samoan archipelago was settled some 3,000 years ago by people migrating into the Pacific from South-East Asia. The Dutch were the first Europeans to find these islands, in 1722. Some settlers came to the islands in the early 1800s, followed by missionaries in 1830. By the late 1800s, internal strife among the chiefs and struggles among the colonial Powers of Germany, Great Britain and the United States of America led to a period of instability. Deeds of cession of these islands to the United States were formally accepted by means of an Act of Congress on 20 February 1929. Pursuant to this Act, the native inhabitants were given the status of American nationals. The Act provided for an American Samoan Government with all civil, judicial and military powers to be vested in a designee of the President of the United States. As the American interest in the area had been mainly military, the Territory was placed under the jurisdiction of the United States Navy. In 1951, an executive order transferred authority over the Territory to the Department of the Interior.

3. According to the releases of the census conducted in 2000 and published in February 2002, provided by the administering Power, the population of American Samoa was 57,291, of which 51.1 per cent was male and 48.9 per cent was female. The annual population growth rate is 2.64 per cent. Since 1990, the population has increased by 22.5 per cent. Ethnically, the population breaks down into 91.6 per cent native Hawaiian and other Pacific Islanders (including 88.2 per cent Samoan and 2.8 per cent Tongan), 2.8 per cent Asian and 1.1 per cent Caucasian. Of the native population, 56.7 per cent were born in American Samoa, 6.3 per cent in the United States, and 36.1 per cent were foreign born. Some 90.6 per cent of the population 5 years of age and older speaks Samoan, which is closely related to Hawaiian and other Polynesian languages, and English; and 2.9 per cent speaks English only. The literacy rate is 97 per cent. The median age is 21.3 years. Life expectancy is 75.32 years, with male life expectancy at 70.89 years and female life expectancy at 80.02 years. The annual birth rate is 24.88 births per 1,000 population and the annual death rate 4.31 deaths per 1,000 population. The annual net migration rate is 3.58 migrants per 1,000 population.

II. Constitutional, legal and political issues

4. American Samoa is a Non-Self-Governing Territory under the administration of the United States of America. The Constitution adopted in 1960 was revised in 1967 and was subsequently amended in 1970 and 1977. Any amendments or modifications to the Constitution of American Samoa (as approved by the Secretary of the Interior) may be made only by an act of the United States Congress. In 1978, the people of American Samoa for the first time elected their own Governor. Since 1981, American Samoa has also elected, by direct vote, a non-voting delegate to the

United States House of Representatives, who can, however, vote in committees. The most recent election was held in November 2002 (see para. 8).

5. As American Samoa is an unincorporated and unorganized Territory of the United States, not all provisions of the United States Constitution apply. Residents of American Samoa are not United States citizens. They cannot vote in the United States general election but are permitted to participate in presidential primaries and caucuses. They are United States nationals who can freely enter the United States and work or reside anywhere they choose. American Samoa has its own immigration laws, and entry into American Samoa by foreigners is not the same as entry into the United States (in contrast with Guam, where United States immigration laws apply).[2] With respect to citizenship, the House of Representatives of American Samoa passed a resolution in September 2002 preventing babies born in the Territory to foreign parents from automatically becoming United States nationals. According to the resolution those children should become citizens of either the mother's or the father's country of origin.[3]

6. The special status of the Territory vis-à-vis immigration manifested itself in August 2002, when the Attorney General of the Territory modified local immigration laws by prohibiting entry of "any individual of Middle Eastern descent" into American Samoa without his prior approval. The decision was taken after a security alert caused the closing of the United States Embassy in Samoa.[4] After the measure drew widespread criticism, the authorities argued that the decision was based on a similar act by the United States immigration authorities. In December 2002, the decision was withdrawn. In the same month, however, the Attorney General issued a new security alert, saying that the Territory would no longer issue permits to people from Fiji and 23 other countries[5] without his specific approval.[6]

7. The Constitution provides for separate executive and legislative branches and an independent judiciary. All American Samoans over 18 years of age are eligible to vote. The executive branch comprises a Governor and a Lieutenant-Governor elected for four-year terms by universal adult suffrage. The Governor is responsible for executing both American Samoan and United States laws and has veto power with respect to legislation passed by the Fono. The Fono is a bicameral legislature, which comprises an 18-member Senate whose members are chosen by 14 traditional tribal councils, and a 21-member House of Representatives, with the members elected by popular vote. Only *matais* (or chiefs) can become senators. Senators hold office for a four-year term, and representatives for a two-year term. The Fono may pass laws with respect to all local affairs, provided its laws are not inconsistent with United States laws in force in the Territory or with United States treaties or international agreements.

8. In November 2002, general elections were held in the Territory. According to press reports, there were 14,814 voters registered to elect the representative to the United States Congress and 20 of the 21 members of the local House of Representatives,[7] the additional seat being held by the Swain Island's delegate. The American Samoa election office asked Swain Islanders to hold a meeting to choose their representative because the office had decided against spending US$ 10,000 to organize the poll for three people living in this isolated island.[8] Of the 20 representatives, 14 were re-elected from the previous Legislature. In the election for the United States Congress, none of the candidates reached the required 50 per cent plus one vote in the first round. Later in November, a run-off election took place and

Eni F. H. Faleomavaega won his eighth consecutive two-year term after receiving 4,959 votes, or 54.8 per cent, of the votes counted.[9]

9. The main business of the Government is the management and distribution of federal income and capital subsidies. The traditional communal system provides the basis for a strong Government whereby leaders are responsible not only for preserving the social order but also for the economic welfare of the extended family. The federal Government underwrites most of the cost of preserving this system. This affiliation allows the United States to have access to and use of the Territory for defence and other purposes. The number of employees in the Government reached almost 30.9 per cent of the entire employed civilian population 18 years and older.[10] The Government also manages power, water and sewer systems through the American Samoa Power Authority.

10. The judiciary system consists of the High Court, with the Chief Justice and the Associate Justices appointed by the Secretary of the Interior, and the local District and Village Courts, with the judges appointed by the Governor. The current Chief Justice is the first native Samoan to be appointed to the position. The High Court is divided into Appellate, Trial and Land and Titles. Since American Samoa is not part of a United States federal judicial district or circuit, there are no statutory provisions for appealing decisions of the High Court. American Samoa laws are textually identical to United States laws ("mirror laws"), where all references to the United States are substituted by references to American Samoa.

11. Since 2001, the question of applicability of the United States federal jurisdiction in the Territory has been widely discussed at the local and federal levels. The issue was brought to light in connection with the investigation of the Daewoosa Samoa garment factory and medical insurance fraud cases. Federal officials asserted that the District Court of Hawaii had jurisdiction to decide cases involving violations of federal criminal law that occur in American Samoa. The Court of Hawaii eventually took a decision on the case (see para. 39). However, the debate continued throughout 2002. In particular, it focused on the need to establish a federal district court in American Samoa. In an August meeting with the local Fono, the United States Deputy Assistant Secretary of the Interior maintained that the Department of the Interior would not appoint an Attorney General unless the decision came from the people and leaders of the Territory.[11] A congressional survey showed that some 78 per cent of American Samoa respondents favoured the establishment of a federal court with limited jurisdiction. About 84 per cent also considered that American Samoa should have a United States attorney/federal prosecutor to prosecute violators of federal laws applicable in the Territory.[12]

12. In addition to the Federal Bureau of Investigation investigators working in the Territory in connection with the Daewoosa case since the end of 2001, more than 20 off-island auditors have been conducting audits for the Government and a number of its agencies, and preparing financial statements outstanding since 1998, as part of ongoing fiscal reform.[13]

13. In December 2002, the American Samoa Government informed the Department of the Interior that an extension would be needed for American Samoa to complete its audit for the past three years. In an attempt to rationalize the cost involved, the Government had ordered each department to conduct a review of project costs and implementation.[14]

14. As reported in the previous working paper (A/AC.109/2002/12, para. 10), the applicability of federal laws in the Territory was an underlying issue of the tax-related bill passed in the Territory in 2001. The bill would automatically block any new and future federal tax codes that "would financially hurt the American Samoa Government". The bill is not retroactive. It states that the tax laws in American Samoa will be the United States Internal Revenue Code that exists as of 31 December 2000. This measure was introduced to curb the effects of the new federal tax cuts on the local tax return claims. In particular, the Child Tax Credit federal law became a subject of discussion in the Territory by the administration and the population. According to the 2000 changes in the Child Tax Credit law, the tax return claims for dependent children had to be partially paid from the territorial Government's coffers. The territorial Government argued that its obligations to pay such claims could surpass the taxes it collected. According to the Governor, any new federal tax reform should be critically analysed and adopted by the Territory on a provision-by-provision basis. Since 2000, the local Administration has refused to pay the tax credit to tax payers because the American Samoa Government has stated that it is an "unfounded federal mandate". In October 2002, the American Samoa High Court ruled that the territorial Government was liable under the law to pay out the child tax credit, even if there was no specific revenue source.[15]

III. Budget

15. The territorial budget consists mainly of federal grants-in-aid, the annual federal allocations through the Department of the Interior and locally generated revenue. As reported in the previous working paper (see A/AC.109/2002/12, para. 11), the Government of American Samoa had experienced revolving financial problems caused by the limited economic and tax base versus the growing costs of providing government services. Attempts to reduce the persistent budget deficit had envisaged such measures as reduction in the number of public sector employees, increased fees for government services and plans to diversify the economy.

16. In its report published in 2002, the American Samoa Economic Advisory Commission recommended the reduction of the government sector and the development of a private sector as the main driving force of a self-sustaining market economy. In 2002, the Congress allocated $4.3 million for the territorial fiscal and managerial reform programme.[16]

17. The 2003 budget was introduced by the Governor at $222 million. The Governor stated that fiscal year 2003 marked a historical point at which the budget was finally balanced in revenue and expenditure, as mandated by a memorandum of agreement signed with the United States Department of the Interior in August 2002. For fiscal year 2003, the budget included $58.5 million in local revenues, $24.13 million in Department of the Interior grants-in-aid and capital improvement, $59.88 million in federal grants, and $79.60 million in Enterprise Funds. On the side of expenses, the budget included a $1 million increase for government operations. The Fono approved the budget after reallocating $65,000 from the Treasury Department to the Department of Local Government.[17]

18. According to the Department of the Interior, its 2003 assistance budget to American Samoa will be $35.3 million: $23.1 million for government operations, $10.1 million for capital improvement projects such as hospital renovations, new

classrooms, wastewater improvement, roads, ports and public safety equipment, and $2.1 million for technical assistance grants.[18] At the same time, in December 2002, the Department of the Interior decided that the level of economic assistance that each United States Territory would receive from the Department would be determined in part by the strength and independence of its public auditor's office. Additionally, the responsiveness in addressing issues raised in audits would be considered in the process of awarding discretionary grants to those Governments and to other island grant recipients.[19]

IV. Economy

A. General

19. Economic activity in general is strongly linked to the United States. About 93 per cent of American Samoa's economy is based on United States federal expenditures and the canning industry, while the remaining 7 per cent stems from a small tourism industry and a few businesses that sell exclusively to the local market. Prospects for agricultural development are limited owing to the small amount of land suitable for cultivation. The largest trading partner of American Samoa is the United States, followed by New Zealand, Australia and Fiji. Imports are mainly food (22 per cent) and petroleum products (17 per cent), machine parts, building materials, textiles and clothing; canned tuna accounts for 97 per cent of exports. In 2002, imports increased by 125 per cent from levels of the previous year in the major categories of merchandise and in particular in the subcategories of automobiles and heavy equipment.[20]

20. Tuna fishing and tuna processing plants are the backbone of the private sector, with canned tuna as the primary export, meeting 20 per cent of the United States market. This sector employs a third of the people. The Government employs another third. Attempts by the Government to develop a larger and broader economy are constrained by American Samoa's remote location, limited transportation and devastating hurricanes, as well as competition from neighbouring islands with lower wage levels and from larger, more efficient businesses in the United States.

21. In 2002, the Government of American Samoa presented to the United States Department of the Interior the results of the work of its Economy Advisory Commission. The four-volume report, entitled "Transforming the Economy of American Samoa", includes "specific economic policy recommendations that were formulated with the goal of transforming American Samoa's stagnant and struggling economy into one that is viable, diverse and self-sustaining". The Commission emphasized two guiding principles: that the United States should continue its long-standing policy of respecting the desire of the people of American Samoa to preserve and perpetuate their *fa'asamoa*, the Samoan way of life; and that the relationship between the United States and American Samoa should continue to be nurtured and enhanced. In particular, the Commission recommended focusing on growth in four industries: fisheries and agriculture; telecommunication and technology information; manufacturing; and tourism.[21] The Commission pointed to certain problems in the measurement of economic growth. Currently the Territory lacks the necessary economic and statistical data to measure adequately economic activity or to do the required comparative studies. According to the Commission,

since American Samoa was not able to calculate its gross domestic product, it lacked the ability to understand the true state of the economy.

22. According to the Commission the canneries sector continued to have a dominant presence in the Territory. However, the Commission stated that the industry was threatened by political and economic policy decisions made by the federal Government, in particular in relation with trade agreements (see also para. 24 below).

B. Agriculture and fisheries

23. Agriculture, hunting, forestry and fishing employ less than 3 per cent of the population and provide little surplus for export. The most important crops include taro, coconuts, bananas, oranges, papayas, breadfruit and yams.

24. The fishing industry constitutes 90 per cent of the Territory's economy and employs one third of its workforce. American Samoa's tuna processing industry is the fourth largest in the world. In recent years the Government has expressed concern with the Andean Trade Preference Act, which could have a strong negative effect on the tuna industry of American Samoa. Under the Act, the United States, in its effort to combat drug production and trafficking, would grant the Andean States special trade conditions, in particular duty-free import of canned tuna. The capacity of Andean countries to supply the entire United States market was seen as a threat to the local fishing industry.[22] The American Samoa delegate to the House of Representatives, Congressman Faleomavaega, lobbied an amendment to the Act that would limit the import of duty-free canned tuna to the United States. In August 2002, he announced that the United States Senate had passed the Act with revisions, which excluded canned tuna. The Congressman declared that "Although I continue to oppose duty-free treatment for tuna packed [products] in any form, I am pleased that through a united effort we have been successful in protecting American Samoa's canning operations".[23]

C. Tourism

25. Despite the Government's efforts to encourage tourism, the industry remains small. American Samoa has little tourist infrastructure, with only one hotel (80 per cent government-owned) and a total of 260 hotel/motel rooms in Tutuila and Mau'a. According to the Department of the Interior, in addition to its need for upgraded tourist facilities, the tourism industry needs increased promotion, improved skills training and increased international air travel services. According to the report entitled "Transforming the Economy of American Samoa" (see para. 21 above), the Territory is trying to establish a specific tourist market for American Samoa's national park that would offer the visitors an experience of the traditional Samoan lifestyle.

D. Transport and communications

26. There are approximately 150 kilometres of paved roads and 200 kilometres of secondary roads in American Samoa. The highway system is generally in poor shape

owing to the effect of hurricanes, the age of the roads and inadequate maintenance. The Federal Highways Administration provides funding for road rehabilitation and construction projects.

27. All the fuel needs of the Territory are met through import. In October 2002, American Samoa faced an oil shortage. The Government decided to impose fuel rationing to prevent supplies from being completely exhausted. According to press reports, the shortage occurred after a Mobil tanker cargo was turned away from Pago Pago because the fuel it carried for delivery did not meet federal standards. Later in the month fuel arriving from neighbouring Samoa helped to alleviate the crisis. Two tankers completed a total of 10 trips between the islands to replete American Samoa reserves.[24] Congressman Faleomavaega requested a full federal investigation regarding the cause of the shortage.

28. Pago Pago harbour is an all-weather deep-draught harbour. The main dock is 1,000 feet long, handling ships of up to a 32-foot draught. Pago Pago harbour provides the full complement of equipment and facilities and has a ship repair facility with a 3,000-ton marine railway. However, the general condition of the port continues to deteriorate as a result of inadequate maintenance. According to press reports, in October 2002 an oil spill of about 4,000 litres of diesel fuel damaged Pago Pago harbour.[25]

29. There are four airports in the Territory, situated on the islands of Tutuila, Ofu, Olosega, and Ta'u. Pago Pago International Airport is owned and operated by the territorial Government. It is regularly served by a number of airlines that link American Samoa with Hawaii and the United States mainland and other countries in the South Pacific. Hawaiian Air provides direct air service from Pago Pago to Honolulu. Polynesian Airlines, Air New Zealand and Air Pacific provide regional air service to New Zealand, Australia, Fiji, Vanuatu, Tonga, New Caledonia, Tahiti and the Cook Islands. The national airline, Samoa Air, flies to Tonga and other destinations and is available for charter. Domestically, Samoa Air flies regularly to Ofu, Olosega, and Ta'u Islands, and makes several flights a day to Samoa. American Samoans travel very frequently by air. Samoa alone recorded 23,000 visitors from American Samoa in the first nine months of 2001. Airport expansion programmes for Tutuila and Manu'a, which are expected to provide a boost to the local economy, are well under way.

30. In December 2002, work at the American Samoa Pago Pago International Airport began after the Federal Aviation Administration provided a $40 million airport improvement package. The cost of the 1,000-foot runway extension, designed to enable larger jets to take off with larger loads, was approximately $6.8 million, while the combined cost for the 2,000-foot paved air strip extension for small planes, the perimeter security fence and other airport structures amounted to $7.3 million.

31. A new port and airport security system has been implemented in the Territory in the aftermath of the events of 11 September 2001. Fifteen scanners and new computer systems were imported to help the Immigration Office to scan traveller's passports at both Pago Pago International Airport and the main wharf in Fagatogo. In addition, new screening methods for baggage have been implemented to help detect explosives.[26]

32. American Samoa, through the overseas communications satellite corporate link, has direct telephone dialling to most countries. There is a choice of mobile telephone service providers. Internet service to the World Wide Web is provided by the territorial Government's Office of Communications. According to the American Samoa TeleCommunications Authority, American Samoa may become part of the United States domestic calling zone, and calls from the Territory to North America will be considered domestic and not international calls. In 2002, American Samoa requested the federal communications authorities to be assigned an area code of its own. Early in 2003, it was decided that the number 684 would be used as the area code for American Samoa. At the time of publication of the present report, approval from the North American Numbering Plan was still pending.[27]

E. Water, sanitation system and utilities

33. The American Samoa Power Authority (ASPA), which is government-owned, provides water, waste-water, solid waste and electric services to customers on five of the seven islands. ASPA provides safe drinking water to 90 per cent of the Territory, with the remaining part being serviced by outer-village systems. It is responsible for restoring, maintaining and protecting the water supply during natural and man-made breakdowns. The daily capacity of the water system is 8 million gallons per day from high-quality groundwater and surface sources. Water rates are $1.25 per 1,000 gallons. According to the 2000 census, 72.3 per cent of the 10,052 housing units used the public water system and 19.6 per cent used the village water system as the source of water. In July 2001, ASPA received a $2.2 million grant/loan from the Department of Agriculture Rural Utility Service to establish the water purification facilities at Fagatogo and Pago Pago, which would provide 1 million additional gallons of water daily.[28]

V. Social conditions

A. Labour

34. The Territory is characterized by low per capita income and a significant unemployment rate. The total labour force of American Samoa consists of 17,664 workers. About one third of the labour force consists of aliens, mostly from Samoa. The largest employer, with approximately 4,282 employees, is the American Samoa Government. The Territory's per capita income is $4,357 and the unemployment rate is 12 per cent. According to the 2000 census, the income per household was as follows: 22.2 per cent of the households earned $15,000 to $24,999; 16.4 per cent earned $10,000 to $14,999; and 17 per cent earned $5,000 to $9,999. As of 1999, there were 34,745 individuals below the poverty level, including 5,072 families with children under 18 years of age, and 865 families with female heads of household.[29]

35. American Samoa is one of the two United States Territories in which employers are allowed to pay workers less than the mainland minimum wage to ensure compatibility with the prevailing cost of living.

36. Wages in the Territory are set not by federal law but by recommendation of a special United States Department of Labor committee that reviews economic

conditions every two years and establishes minimum wages by industry under the fair Labor Standards Act.

37. In June 2001, a Special Industry Committee reviewed the wages in the Territory and required the canneries to bring the minimum wages to the mainland level, unless evidence was presented that convinced the Committee that such an action would significantly curtail employment. The main cannery companies, StarKist Samoa and Chicken of the Sea Samoa Packing, opposed any increase in wages. The decision was taken to increase the minimum wages an average of 2 per cent as follows: by October 2001, government employees to $2.73; fish canning to $3.26; and shipping and transportation to $4.03. In October 2002, the wages will be set as follows: government employees at $2.77; fisheries at $3.26; and shipping and transportation at $4.09.

38. As was reported in the previous working paper (A/AC.109/2002/12, para. 30), the Government sponsored an attempt to launch a garment manufacturing sector involving foreign workers. The mistreatment of the workers by the factory management led to a class-action suit and the case against the owner of Daewoosa garment factory.

39. In March 2003, the Honolulu federal jury issued its verdict on the Daewoosa case. The defendants were found guilty of 14 of the 18 counts against them and were to be sentenced in July 2003. They could face sentences of up to 20 years in jail.[10]

40. As was reported previously, the applicability of federal jurisdiction to this case was questioned by the defendants. According to the American Samoa Government, the issue of jurisdiction has been resolved by the United Stated District Court in Hawaii. However, there is still a chance that serious legal questions will be brought to the United States Supreme Court by the defendants' lawyers. Since American Samoa is the only United States federal possession without a federal court or a federal attorney, the Government stated that in most instances when there is a lawsuit in Federal Court involving the Territory, it is brought before the Federal Court in Washington, D.C. (see also para. 11).[10]

B. Education

41. Education is compulsory between 6 and 18 years of age. The educational system in American Samoa is broadly based on the United States pattern. There are 30 public primary, 6 private and 160 village schools. According to the 2002 census, 20,830 children 3 years of age and older were enrolled in school. Of this number, 54.8 per cent were in the elementary school (grades 1-8), 22.3 per cent were in high school (grades 9-12) and the rest were in pre-school, college or graduate school. With respect to educational attainment, 39.3 per cent of the population 25 years of age and over were high school graduates; 6.9 per cent had an associate degree; 4.8 per cent had a bachelor's degree and 2.6 per cent had a graduate or professional degree.

42. American Samoa had the lowest average score in the National Assessment of Educational Progress administered nationwide by the federal Department of Education. The assessment demonstrated that 93 per cent of American Samoa's eighth grade public school students lacked a "basic" mastery of mathematics and skills that are fundamental for proficient work at that grade level. The territorial

Department of Education officials attributed such results mainly to the lack of qualified teachers owing to the low wages offered locally.[31]

43. American Samoa Community College offers two-year degree courses in arts and sciences and programmes offering certificates of proficiency in vocational and clerical skills, business and nursing. In 2001, San Diego State University started to offer bachelor and master's degree programmes in Tutuila, which would enable the student to obtain an advanced college degree without moving off-island.

C. Public health

44. Most social programmes in the Territory, including those related to public health, are funded by the federal Government. The main hospital in the Territory, the Lyndon Baines Johnson Tropical Medical Center, has 140 beds and a staff of 25 physicians. Medical, dental and pharmaceutical services are available 24 hours a day. For serious cases, off-island treatment, including hospitalization in Guam, Hawaii or the United States mainland, is provided. In January 2002, the Medical Center sharply increased the fees for its services, including ambulance, hospital beds, wheelchairs, oxygen, etc. This move had been actively discussed in the local press and in the public hearings. The hospital is partially funded through the subsidies of the Department of the Interior and the local government and used to provide services at minimum fees. However, according to the hospital authorities, the increase was needed to cover the operational costs, equipment, doctors' wages and inherited debts. For fiscal year 2003, the Medical Center received $82,000 for interior reparations and maintenance.[32]

45. In the aftermath of 11 September 2001, the United States Department of Justice provided a $382,472 grant to American Samoa to help purchase protective gear for first response personnel.[33] In addition, the American Samoa Government has also been included in the national smallpox vaccination programme implemented by the federal Government. In the first stage of this programme, medical care staff, police and fire fighters are to be inoculated.[34]

D. Crime

46. The crime rate in the Territory is relatively low. An ongoing concern in American Samoa has been the increase in driving under the influence arrests. According to the Department of Public Safety statistics, there were 214 arrests in 2000, 206 in 2001 and 342 in 2002.[35]

47. Another concern in the Territory is domestic violence and child abuse. During 2002, American Samoa held conferences and seminars on the issues and the first meeting of the new Domestic Violence Coalition offered training in preventative measures.[36]

48. In order to improve the functions of the Department of Public Safety, a new bureau, the Criminal Investigation Intelligence Bureau, became fully operative in January 2003. The new station was completed at a cost of $494,000.[37]

VI. Environment

49. According to the World Wildlife Fund, American Samoa contains one of the 10 most vulnerable forests in the world and only 0.2 per cent of the forest is protected. The Forest Service of the United States Department of Agriculture, in partnership with the territorial Government, has been implementing a number of programmes aimed at promoting the health and productivity of the Territory's forest lands. These programmes are focused on public education and tree planting, agroforestry, water resources, coastal stabilization, community beautification, late successional rainforest tree species, wood products, wildlife and conservation practices. To help mitigate the effects of human use, the American Samoa Coastal Management Program was established for the coastal zone, which includes all land (126 miles of coast) and sea within 3 miles of the shoreline.

50. In October 2002, American Samoa was awarded $1,037,000 from the Department of Commerce under the Coastal Management Program.[38] The funds are intended for coordination of territorial and federal agency programmes, public outreach, special projects and implementation of the Coastal Nonpoint Pollution Control Program.

51. In November 2002, the American Samoa Government received a grant of $348,854 from the Office of Insular Affairs for fiscal year 2003. The funds were awarded following approval of the proposal of the American Samoa Coral Reef Advisory Group, which noted that American Samoa's coral reefs are undergoing a long recovery phase, following damage by poor water quality in Pago Harbor, Crown of Thorns starfish attacks, hurricanes and coral bleaching. The Group also stated that reefs impacted by human activities were not recovering as fast as those affected by natural forces; and that overfishing of reef fish was considered the most serious threat to reef resources.[39]

52. In November 2002 the United States Senate passed a bill to expand the national park of American Samoa to the islands of Ofu and Olosega. The federal Government will make lease payments to the villages within the park boundaries worth $122,000 per year. An additional $163,000 per year will be allocated to lease additional marine and land acreage on the islands.[40]

VII. Relations with international organizations and entities

53. American Samoa is a member of several regional organizations, including the South Pacific Commission, the Pacific Basin Development Council, the Pacific Tuna Development Foundation, the Pacific Islands Association, the Asian-South Pacific Bureau of Adult Education, the Pacific Asia Travel Association, the South Pacific Regional Environment Programme and the Council of Pacific Arts. It also belongs to such United States organizations as the National and Western Governors' Conferences. The Government of American Samoa has signed memorandums of understanding with the Governments of Samoa and Tonga on mutual economic cooperation and has sent trade missions to a number of countries in the Pacific region.

54. American Samoa belongs to various regional bodies of the United Nations system, including the World Health Organization (WHO), the Regional Office for the Western Pacific and the WHO Pacific Regional Centre for the Promotion of

Environmental Planning and Applied Studies. The Territory has been an associate member of the Economic and Social Commission for Asia and the Pacific since 1988.

55. In October 2002, American Samoa joined the South Pacific Applied Geoscience Commission. The Territory is reportedly seeking assistance from the Commission in the development of its water resources and advice on reducing the risk of natural disaster.[41]

VIII. Future status of the Territory

A. Position of the territorial Government

56. In a statement made in 1993, the Lieutenant-Governor of American Samoa indicated that American Samoa preferred to remain a Territory of the United States (see A/AC.109/1159, paras. 25-31). This position remains unchanged.

57. According to press reports, American Samoa Congressman Faleomavaega and Governor Tauese Sunia both favoured that the Territory be taken off the United Nations list of Non-Self-Governing Territories. However, they expressed different views on the process to achieve that goal. According to the Congressman, after public discussion, the American Samoans should be allowed to express their views in a referendum.[42] According to the Governor, America Samoa had made its position abundantly clear and there was no need to prolong the discussion but rather to move forward with the delisting process.[43]

B. Position of the administering Power

58. In a statement made to the General Assembly at its 73rd plenary meeting, on 11 December 2002 (A/57/PV.73), a representative of the United States said that the United States could not support the draft resolution (A/57/L.52) on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. By adopting a narrow definition of decolonization, the draft resolution failed to take into account the complex reality of Non-Self-Governing Territories. For the United States, the very term "non-self-governing" seemed inappropriate for those who were able to establish their own constitution, elect their own public officers, have representation in Washington, D.C., and choose their own economic path. He noted that one of the Territories under United States administration had just held elections, in November 2002. Moreover, he said, the United States disagreed with the contention in the draft resolution that the mere presence of military activities and bases in the Non-Self-Governing Territories was harmful to the rights and interests of the people of those Territories. The United States did not support the notion that administering Powers did not have the right to take action in accordance with their national security interests.

59. The United States fully supported countries that chose independence and was proud to welcome them as equal and sovereign partners. For Territories that did not choose independence, however, the United States also supported the right of people in those Territories to a full measure of self-government, including the rights to integration and free association. The world encompassed a variety of people, places

and political circumstances, and this richness did not allow for just one path. The United States believed that a single standard of decolonization should not be applied to every Territory and it called upon all Member States to respect the choices made by the residents of Non-Self-Governing Territories.

C. Consideration by the United Nations

60. On 11 December 2002, the General Assembly adopted without a vote resolutions 57/138 A and B, a consolidated resolution on 11 Non-Self-Governing Territories, section I of Assembly resolution 57/138 B being devoted specifically to American Samoa.

Notes

[1] The information contained in the present working paper has been derived from information transmitted by the administering Power under Article 73 *e* of the Charter of the United Nations, and from published and Internet sources.

[2] Bank of Hawaii, 1997 economic report: American Samoa.

[3] BBC Monitoring Asia Pacific, 27 September 2002.

[4] BBC Monitoring Asia Pacific, 13 August 2002.

[5] The list of countries whose nationals will now experience restrictions include Afghanistan, Algeria, Bahrain, Cuba, the Democratic People's Republic of Korea, Eritrea, Fiji, Indonesia, the Islamic Republic of Iran, Iraq, Lebanon, the Libyan Arab Jamahiriya, Morocco, Oman, Pakistan, the Philippines, Qatar, Saudi Arabia, Somalia, the Sudan, the Syrian Arab Republic, Tunisia, the United Arab Emirates and Yemen.

[6] BBC Monitoring Asia Pacific, 20 December 2002.

[7] *Samoa News*, 5 November 2002.

[8] BBC Monitoring Asia Pacific, 30 October 2002.

[9] *Samoa News*, 2 December 2002.

[10] United States Census Bureau (www.census.gov/census2000/americansamoa.html), 28 January 2002.

[11] *Samoa News*, 6 August 2002.

[12] Congressman Eni F. H Faleomavaega, news release, 4 May 2002.

[13] *Samoa News*, 23 August 2001, and *Pacific Islands Report*, 18 December 2001, 15 January and 5 April 2002.

[14] *Samoa News*, 8 January 2003.

[15] New Zealand Ministry of Foreign Affairs and Trade (www.mft.govt.nz/foreign/regions/pacific/econupdate/october02/october02/amsamoa.html).

[16] Office of the Governor of American Samoa (www.asg-gov.com), 23 January 2002 and *Samoa News*, February 2002.

[17] *Samoa News*, 20 August 2002 and 27 September 2002.

[18] Ibid., 23 July 2002.

[19] Ibid., 4 December 2002.

[20] State of the Territory address presented by the Governor, 14 January 2002.

[21] Report entitled "Transforming the Economy of American Samoa", July 2002.

[22] Statement of the delegate to the United States House of Representatives before the America Samoan Legislature, 31 January 2002.

[23] United States Senate, press release, 1 August 2002.

[24] BBC Monitoring Asia Pacific, 7, 10 and 20 October 2002.

[25] BBC Monitoring Asia Pacific, 1 November 2002.

[26] Toluono, Tau (2003), "Local Immigration computerizes passport tracking system", *Samoa News*, 31 December 2002.

[27] Sagapolutele Fili (2003), "FCC approves A.S.'s request to retain 684", *Samoa News*, 9 January 2003.

[28] *Samoa News*, 23 July 2001.

[29] United States Census Bureau (www.census.gov/census2000/americansamoa.html), 28 January 2002, United States Department of the Interior Office of Insular Affairs, fact sheet, May 1998 (www.doi.gov/oia/facts.html); and Pacific Islands Report (http://pidp.eastwestcenter.org/pireport), 11 January 2002.

[30] Sagapolutele Fili (2003), "Faleomavaega calls Kil Soo Lee's guilty verdict justice", *Samoa News*, 28 February 2003; and http://www.samoanews.com/friday/FRothernews/story4.html.

[31] St. Thomas Source (www.onepaper.com/stthomasvi), 29 November 2001; and *Samoa News*, 8 August 2001.

[32] Press release, 21 November 2002 (http://www.asg-gov.com/PRESS_RELEASES/112102pressrelease.lbjhospital.htm).

[33] Sagapolutele Fili (2003), "Emergency first responder safety training set for February", *Samoa News*, 10 January 2003.

[34] *Samoa News*, 16 December 2002.

[35] Toluono, Tau (2003), "DUI arrests are up while DUI accidents are down in 2002", *Samoa News*, 8 January 2003.

[36] "The War on Domestic Violence and Child Abuse Continues", *Samoa News*, To'asavili, 4 January 2003.

[37] Toluono, Tau (2003), "Capt. Va'a Sunia named to head new DPS Bureau", *Samoa News*, 23 January 2003.

[38] Congressman Eni F. H Faleomavaega, press release, 1 October 2002.

[39] *Samoa News*, 22 November 2002.

[40] Faleomavaega, Eni (2002), "U.S. Senate passes Faleomavaega's bill to expand National Park to Ofu and Olosega", *Samoa News*, 23 November 2002.

[41] BBC Monitoring Asia Pacific, 1 October 2002.

[42] *Samoa News*, 2 August 2002.

[43] Ibid., 5 August 2002.